

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 19, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2223**

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**Introduced by Assembly Member Nava**  
*(Coauthors: Assembly Members Eng, Huffman, and Jones)*

February 18, 2010

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An act to add Section 3004.7 to the Fish and Game Code, relating to wildlife.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as amended, Nava. Wildlife management areas: nontoxic shot.

The Ridley-Tree Condor Preservation Act requires the use of nonlead centerfire rifle and pistol ammunition when taking big game and coyote within specified areas. Existing law generally provides that a violation of the fish and game laws is a crime.

This bill, commencing July 1, 2011, would prohibit the possession or use of any shotgun shell loaded with anything other than nontoxic shot, as defined, when taking migratory game birds, resident small game, or nongame species under the authority of a hunting license within a wildlife management area, as defined. Under the bill, a person who violates that prohibition would be guilty of an infraction punishable by a \$500 fine for the first offense. Because the ~~act~~ *bill* would create a new crime, this bill would ~~create~~ *impose* a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) California's system of wildlife management  
2 areas, ~~as defined in subdivision (d) of Section 1504 of the Fish~~  
3 ~~and Game Code~~ *designated in subdivision (a) of Section 550 of*  
4 *Title 14 of the California Code of Regulations*, protects over  
5 627,000 acres of the state's most important wildlife habitat and  
6 hosts many species that are listed as threatened, endangered, or  
7 fully protected under state law. Wildlife management areas are  
8 virtual islands of habitat that serve as magnets to wildlife and  
9 human visitors with excellent wildlife viewing, and fishing and  
10 hunting opportunities.

11 (b) Wildlife management areas should be managed in accordance  
12 with the highest standards of wildlife management.

13 (c) Nationally, lead poisoning of waterfowl and the Bald Eagle  
14 resulted in a 1991 federal ban on the use of lead shot in all  
15 waterfowl and coot hunting areas, including state wildlife  
16 management areas.

17 (d) Twenty-five states have lead shot prohibitions for hunting  
18 beyond those required by the federal government for waterfowl.

19 (e) Lead poisoning has been observed in 37 species of birds  
20 beyond waterfowl with adverse impacts on mourning doves being  
21 especially acute.

22 (f) Hunting is a valued tradition in California and hunters play  
23 a critical role in wildlife management and conservation, particularly  
24 in funding for wildlife conservation generated through license  
25 sales and excise taxes on sporting equipment.

26 (g) California's fish and wildlife resources are held in trust for  
27 the common good of all the people of California.

28 (h) Allowing the continued use of lead shot ammunition  
29 currently used in hunting small game and game birds in wildlife

1 management areas is inconsistent with best practices for such  
2 management.

3 (i) It is, therefore, the intent of the Legislature to eliminate the  
4 use of lead shot for the purposes of shooting or hunting in wildlife  
5 management areas.

6 SEC. 2. Section 3004.7 is added to the Fish and Game Code,  
7 to read:

8 3004.7. (a) As used in this section:

9 (1) "Nontoxic shot" means the types of shot approved by the  
10 United States Fish and Wildlife Service for hunting waterfowl and  
11 coots.

12 (2) "Wildlife management area" includes those areas designated  
13 as state wildlife areas in subdivision (a) of Section 550 of Title 14  
14 of the California Code of Regulations.

15 (b) A person shall not possess or use any shotgun shell loaded  
16 with anything other than nontoxic shot when taking migratory  
17 game birds, resident small game, or nongame species under the  
18 authority of a hunting license within a wildlife management area.

19 (c) A person who violates this section is guilty of an infraction  
20 punishable by a fine of five hundred dollars (\$500). A second or  
21 subsequent offense shall be punishable by a fine of not less than  
22 one thousand dollars (\$1,000) or more than five thousand dollars  
23 (\$5,000).

24 (d) This section shall become operative on July 1, 2011.

25 SEC. 3. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.